

**EQUALITY, DIVERSITY
& INCLUSION COMMITTEE**
14 March 2016



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Equality, Diversity and Inclusion Strategy - Progress Update

Purpose

- 1 The purpose of this paper is to update the Committee on the progress made against objectives 2 and 3 of the Equality, Diversity and Inclusion (EDI) Strategic Action Plan 2015/16.

Recommendations

- 2 The Equality, Diversity and Inclusion Committee is asked to note the broad progress made against the EDI Strategy as set out in the report at Annex 1 and the particular updates given in the body of the report about recent engagement activities and the latest developments in our work on firm diversity data collection.

If you have any questions about this paper please contact:

Jane Malcolm, Executive Director for External Affairs

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New members of the EDI Committee

- 3 The EDI Committee will be joined for its meeting on 14 March 2016, by two Board members:

Barry Matthews

Barry trained and qualified in the Trade Law team at Hogan Lovells, specialising in sport and media. He then moved in-house joining ITV and has held various management roles the latest being Director of Legal Affairs and Third Party Sales with responsibility for two divisional legal teams, advertising content compliance and ITV's sales agency relationships with broadcasters and platforms domestically and abroad. He sits on the BCAP and Clearcast boards and has been a member of the Solicitors Regulation Authority's Education and Training Committee since 2012. He has volunteered for the charity Body & Soul in various roles since 1999 and currently provides support with a monthly Pro Bono clinic (established in 2009) and Professional Skills Volunteering Programme he created; he founded the Legal Social Mobility Partnership in 2014 the aim of which is to promote diversity in the legal profession.

Elaine Williams

Elaine is a qualified solicitor who brings to the Board broad-ranging international corporate and commercial legal experience gained in in-house and private practice roles. She was formerly a partner (2000 – 2010) in the corporate practice of Freshfields Bruckhaus Deringer in London and Asia, specialising in mergers and acquisitions and joint ventures and provision of general corporate and commercial advice. Elaine joined HSBC in 2011 as Deputy Group Company Secretary and in that role gained significant experience of corporate governance and company secretarial best practices. In November 2015 Elaine took on a new role as General Counsel and Company Secretary for British Land.

New reporting arrangements

- 4 The SRA Board and Committee governance review has now concluded and changes to the governance structure are being implemented with immediate effect. EDI Committee will note the report at item 5 of the agenda which provides further detail.
- 5 Although the precise TORs have yet to be agreed and finalised there will be a change in reporting under the EDI Strategy. In general terms progress against the EDI actions under Objective 1, which relate to people at the SRA, will be shared with the People Committee rather than the EDI Committee from this point. As a result, this report will focus only on the actions under objectives 2 and 3:

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- Objective 2 – to ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements.
- Objective 3 - to work with those we regulate to support them in achieving a more diverse and representative profession.

6 A brief report against all the EDI actions under objectives 2 and 3 is set out in the Annex. This report highlights a number of areas of our recent work for the EDI Committee.

Looking to the Future

- 7 This section covers EDI action 2.2 to ‘embed equality, diversity and inclusion into our programme of regulatory reform, to ensure our regulation is more targeted and proportionate’.
- 8 We are looking at the equality and other impacts of proposals to change the principles, code of conduct and practice framework rules as part of our regulatory reform programme, Looking to the Future. The Committee will note that an update will be provided by Crispin Passmore and Juliet Oliver at item 6 on the agenda.
- 9 Our current thinking is that diversity in the profession will be better achieved by providing guidance and best practice toolkits to complement specific EDI outcomes.

Stakeholder Engagement

- 10 This section covers our recent engagement and events where we have addressed EDI issues. This work covers the following EDI actions:
- Action 2.11 - Review our approach to identifying and supporting vulnerable stakeholders.
 - Action 3.1 - Demonstrate SRA leadership in the wider debate about equality and diversity in the profession.
 - Action 3.2 - Identify opportunities to promote diversity and social mobility through our training for tomorrow programme.
 - Action 3.5 - Consider ways to identify the key barriers to diversity in relation to recruitment and career progression in law firms through research and engagement with the profession.
- 11 In the first quarter of this calendar year we have focused on engagement with a wide range of equality stakeholders. We are also speaking to firms to facilitating debate on EDI issues.
- 12 After speaking to some of our equality stakeholders, we feel we need to raise awareness of and provide better and more helpful information on EDI. This would be to encourage compliance on EDI as well as encouraging a diverse profession. We are

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looking at how we can do this through traditional and social media platforms and show how EDI benefits solicitors and firms. We want firms to understand that EDI is good for business (there are numerous studies which support this) and how being EDI competent will put firms ahead of the curve in terms of compliance.

- 13 This work will also help endorse and promote our EDI virtual reference group which we are planning to expand following the discussion at the EDI Committee meeting on 19 January 2016. We are due to launch an increased social media presence to encourage debate and discussion on EDI. This will include raising the profile of our VRG, in particular, through LinkedIn, Facebook and Twitter. We will be using the hashtag #EDIMatters in the first instance - to start off this work. Our social media content plan includes Q and A sessions on Twitter to promote the importance of the economic benefits of EDI as well as why it is important to encourage a diverse and representative profession. We will also be emailing out a quarterly newsletter to the VRG which will provide a focus on EDI in our regulatory work.

- 14 A list of the recent EDI engagement meetings involving both the EDI team and other teams and colleagues at the SRA is set out below:

11 January 2016 – Meeting between Debbie Abrahams (MP and Shadow Minister for Disabled People) and Jane Malcolm

27 January 2016 – SRA Training for Tomorrow Assessment Framework consultation event with members of the Black Solicitors Network (BSN)

4 February 2016 – Attendance at the Law Society’s event to mark LGBT history month

10 February 2016 – Meeting between Mandip Sahota CEO of the Baroness Warsi Foundation and Jane Malcolm

10 February 2016 – Attendance at a meeting of the Ethnic Minority Lawyers Division (EMLD) of the Law Society

15 February 2016 – Meeting to discuss the SRA’s involvement in the Legal Social Mobility Partnership (LSMP)

17 February 2016 – Meeting with the Turkish British Legal Society (TBLS)

23 February 2016 – Meeting between BSN and the SRA Research team

25 February 2016 – Session at the Cube for the Mental Health Lawyers Association (MHLA)

1 March 2016 – meeting with North East Region of the Lesbian and Gay Lawyers Association (LAGLA)

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2 March 2016 – Meeting to discuss EDI in the Assessment Framework

Planning is ongoing for 3 further events:

April 2016 – Meetings with firms to discuss Transgender and LGBT Inclusion

May 2016 – seminar for small BAME firms (requested by the BSN)

November 2016 - Vulnerable Consumers event for firms (now planned for early 2017)

Firm diversity data collection

- 15 This section relates to action 3.3 to 'Review our approach to the collection, monitoring and publication of diversity data about the profession'.
- 16 There are 4 strands to this work:
 - Preparations to publish the firm diversity data collected in Autumn 2015;
 - A review of the collection exercise which was undertaken in Autumn 2015 to identify lessons learnt;
 - Consideration of any future changes to the diversity data requirements; and
 - Engaging with firms which did not provide their data by the deadline.
- 17 Publishing the recent data set - the data has been collated, modelled to account for the data gaps and loaded into the [data viewing tool](#) on our website. This is a tool which allows the data to be broken down by firm size, region, and type of work so firms can compare themselves against a similar sector of the market. The data is being double checked and we hope will go live by the end of March 2016.
- 18 Lessons learnt – we have identified some improvements that we would like to make to the application for collecting the data and will start a project to define the requirements, secure funding and plan the work required.
- 19 Changes to the requirements – our executive policy team will shortly be asked to approve a number of small changes to the questionnaire and the collection cycle.
- 20 Engaging with firms which have not provided their diversity data – we are making good progress with our engagement and a verbal update will be provided at the meeting.

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Supporting information

Links to the SRA Business Plan/ EDI Action Plan

- 21 Links to the specific actions in the EDI Action Plan are provided in the body of the paper.

How the action will be evaluated

- 22 The EDI strategy sets out more detail about how we will evaluate our performance against the EDI Action plan and an annual progress report will be published.

What equality and diversity considerations relate to this issue

- 23 The update report relates to the progress being made against the EDI strategy.

Author Aseia Rafique, Diversity and Inclusion Manager

Date 4 March 2016

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Objective 2 - ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements.					
No.	Activity	Executive responsibility	Delivery Date	RAG	Progress update
2.1	Monitor the work of the SRA Board and the other SRA committees, to ensure that equality, diversity and inclusion is fully integrated into their business and decisions.	Jane Malcolm	January 2016	On track	We recently completed a review on our governance processes. Following on from this we will look at how best we can embed EDI into Board and Committee business and decisions.
2.2	Embed equality, diversity and inclusion into our programme of regulatory reform, to ensure our regulation is more targeted and proportionate.	Crispin Passmore	Ongoing	On track	<p>Training for tomorrow Activity report under action 3.2</p> <p>Looking to the future</p> <ul style="list-style-type: none"> • EDIC discussed at its meeting on 19 January 2016, the report on Principle 9 and Chapter 2 and in particular the difficulty of identifying a breach of Principle 9 when we receive allegations of discrimination. • EDI and Policy and General Counsel teams considering E&D under the new Code of Conduct • EIA for the proposed changes to the Principles and Code being drafted for the forthcoming consultation.



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2.3	Review our decision making criteria and embed equality and diversity in our decision making framework and supporting processes.	Juliet Oliver	June 2016	On track	The Decision-making project is reviewing guidance in 4 separate phases. Phase 1 is now complete and the approved guidance is available to view on sra.share. We are asking areas to impact assess how this new guidance will affect (if at all) their operational processes, documents, and training needs. Discussions are also underway regarding how the new guidance will be presented on the website. The plan is to launch and implement all new guidance at the same time, rather than bit by bit. EIA review was planned at the conclusion of each phase and a review of phase 1 has been requested.
2.4	Develop and establish a revised and improved quality assurance function and processes so as to demonstrate that our regulatory decisions are fair, consistent and free from bias.	Robert Loughlin	October 2015 and ongoing	On track	The audit criteria have been drawn up and will be piloted over 6 weeks from 1 April 2016. Any concerns around EDI will be identified by the use of a critical flag, which will be used to identify a range of concerns and will trigger a documented process to address the concerns raised.



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2.5	Review our approach to diversity monitoring our regulatory work to ensure we are monitoring all key areas of our decision making to identify any disproportionality and set an appropriate timetable for publishing regular monitoring reports.	Jane Malcolm	December 2015	Delayed	External advice obtained in Q1 on our approach to diversity monitoring our regulator outcomes and EDI team to prepare an options paper for EPF to approve the approach before we proceed. This has been deferred and we will revise the proposed delivery date to September 2016.
2.6	Undertake a detailed investigation into at least two areas of decision making where we have identified disproportionality.	Jane Malcolm	December 2016	On track	EDI team considering potential areas for the detailed reports to examine disproportionality.
2.7	Review our approach to recording and monitoring reasonable adjustment requests to identify trends and ensure consistency.	Jane Malcolm	October 2016	On track	EDI team has made a start in scoping this work.
2.8	Engage with all sectors of the regulated community about professional standards to explore attitudes about the relative seriousness of regulatory events that are referred to us.	Jane Malcolm	June 2016	Completed	Now closed, this was a very successful campaign and the information that we gathered is currently being analysed and the outcome will be launched at the end of June.

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2.9	Explore the possibility of establishing an equality network with legal and other regulators to share information and best practice on EDI in regulation.	Jane Malcolm	October 2016	On track	Initial discussions have taken place with other legal regulators in particular the BSB and Cilex Regulation.
2.10	Review our Interpretation and Translation services to ensure we are inclusive and accessible and provide appropriate material in Welsh and other languages.	Jane Malcolm	Sept 2016	On track	Initial discussions with relevant units underway.

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2.11	Review our approach to identifying and supporting vulnerable stakeholders.	Jane Malcolm	April 2016	On track	<ul style="list-style-type: none"> • Risk/Research are continuing with their plans for a paper for the Spring Risk Outlook and scoping a research plan. • Training needs of staff in managing challenging/ vulnerable stakeholders is now to be taken forward by the SRA's Learning and Development team. • An event for small to medium sized firms in the Autumn is being developed as a joint venture between Consumer Affairs, External Events and EDI. The aim of the event is to share good practice with the profession on providing legal services to vulnerable clients. We have discussed it with LeO and other approved legal regulators in January at the Regulators Forum. SRA will lead the event – a plan with detailed costing is being drawn up for consideration and approval. A meeting between regulators and LeO is being planned for the Spring to share knowledge in advance of the event.
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Objective 3 - to work with those we regulate to support them in achieving a more diverse and representative profession.					
No.	Activity	Executive responsibility	Delivery Date	RAG	Progress update
3.1	Demonstrate SRA leadership in the wider debate about equality and diversity in the profession.	Jane Malcolm	Ongoing	On track	<p>A range of activities are being planned to demonstrate the SRA's leadership in this area, current plans include:</p> <ul style="list-style-type: none"> • Presence at Pride for 2016 - we hope to work with other regulators. • Events with law firms in Birmingham and London to promote good practice on transgender issues. • We are planning a session in Birmingham to promote the Legal Social Mobility Partnership - a collaboration of law firms and others to broaden access to the legal profession by delivering a work insight and skills programme and ongoing coaching to secondary state school students who would not otherwise have access to the legal world.



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3.2	Identify opportunities to promote diversity and social mobility through our training for tomorrow programme.	Crispin Passmore	Ongoing	On track	<p>SQE consultation ongoing – baseline diversity data report and initial EIA published and consultation about EDI impacts marbled into the consultation activities.</p> <ul style="list-style-type: none"> • Policy team delivered a session for BSN members on 27 January 2016 to discuss the SQE proposals. • EDI team arranged a meeting with a range of equality groups representing the profession on 2 March 2016 to discuss the equalities impact of the SQE proposals.
3.3	Review our approach to the collection, monitoring and publication of diversity data about the profession.	Jane Malcolm	October 2016	On track	<ul style="list-style-type: none"> • Discussions are ongoing with the LSB and other legal regulators. A roundtable meeting was held at the LSB on 10 February 2016. • Publication of the 2015 diversity data via the data viewing tool on the SRA website is on track for end March 2016. • Engagement with firms which have not so far provided their diversity data is ongoing.



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3.4	Review compliance with the diversity data publication requirement on firms and identify ways to improve compliance and promote best practice through work with firms.	Jane Malcolm	Sept 2016	On track	The data obtained from the 2015 exercise is being reviewed..
3.5 and 3.6	Consider ways to identify the key barriers to diversity in relation to recruitment and career progression in law firms through research and engagement with the profession.	Jane Malcolm	July 2016	On track	<ul style="list-style-type: none"> Plans for research in this area are progressing. The EDI team has proposed a thematic programme for research into diversity within firms. Engagement with larger firms to supplement this with qualitative information is being scoped.
	Develop a strategy for promoting good practice in the profession in relation to recruitment and career progression.		October 2016		